

REMARKS

The Examiner is requiring restriction in the above-referenced application as follows:

- Group I: Claims 1-17 and 26-31, drawn to methods for obtaining information about a nucleic acid of a subject and for determining responsiveness to a treatment; and
- Group II: Claims 18-25 and 32-33, drawn to a probe substrate and methods for preparing a probe-immobilized substrate.

Additionally, and separately, the Examiner is requiring election of a species: at least one first probe and at least one second probe.

Applicants have provisionally elected, with traverse, Group II: Claims 18-25 and 32-33, drawn to a probe immobilized substrate and methods for preparing a probe-immobilized substrate, for further prosecution. Applicants have also provisionally elected the species: SEQ ID NO:1 and a base sequence represented by the 415th-425th positions of SEQ ID NO:37 as the first and second probes. Claims 1-33 read on the elected species.

Applicants traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden.

MPEP subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that having to search all the claims would not impose a serious burden on the Office.

Additionally, Applicants note that MPEP §821.04 states:

If the Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

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Applicants respectfully submit that should the elected Group be found allowable, the non-elected process claims should be rejoined.

Finally, Applicants request, should the elected species be found allowable, that the Examiner expand her search to encompass the unelected species.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

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